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Main Office/MA: Box 83 Shelburne Falls, MA 01370 P/F: 413-339-5781/87
 CT: 54 Old Turnpike Road, Haddam, CT 06438 P/F: 860-345-2157
 VT: Box 403, Putney, VT 05346 P/F: 802-387-4050
 NVT: 1079 VT Rte 100 East Johnston, VT 05656 802-635-2674
 CNY: 140 Basset St., Syracuse, NY 13210 315-425-0430
 WESCAN: 42A Adrian Court, Cortlandt Manor, NY 10567 914-739-6164
 NYCAN: 144 North 11 St, Brooklyn, NY 11211 718-963-9105

CITIZENS AWARENESS NETWORK

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Jane R. Summerson, EIS Document Manager
 Yucca Mt Office, U.S. Dept of Energy
 PO Box 30307, M/S 010
 Las Vegas NV 89036-0307

Comments on Supplement to Draft EIS for Proposed Yucca Mountain Repository

1 The Supplement to the Draft Environmental Impact Statement for the Proposed Yucca Mountain High-Level Nuclear Waste Repository is inadequate. Since the repository design is "evolving" and the Supplement lacks necessary detail, the public DEIS comment process is premature. Since public comment is premature, the DEIS comment process is neither effective nor legal.

There is a lack of detail in the design and operation of the proposed repository. New facilities and waste handling processes are minimally described, with little mention of environmental impacts. The Supplement does not meet the requirements of the National Environmental Policy Act since DOE does not provide clear parameters for a proposed design for either the geologic repository or the surface facilities. Instead it creates a Chinese menu of design variables and operational parameters which could be combined in different ways, all still in an exploratory stage. The Final EIS is supposed to reflect whatever design the Energy Secretary describes as a comprehensive basis for Site. Before DOE can recommend the site to the president and congress, it must have a final design choice. Once the design parameters are determined, it would be appropriate for the DOE to solicit public comment. Since DOE has not submitted a final design for the public to comment on, this public comment period elevates form over substance.

2 Many of the thousands of comments submitted on the Draft EIS to the DOE specifically asked for a Supplemental document on Transportation. However, this critical concern is not addressed in the Supplement. The millions Americans who will be affected by high level waste require significant detail and an opportunity to comment on DOE's proposed transportation process. In the Northeast almost 10% of the high level waste transport will travel through western Massachusetts, a low-income rural community with inadequate services to deal with a nuclear transportation accident. In the mid 1990's during a train derailment, six railroad cars toppled into the river. New York, which is scheduled to become a transport corridor for over 25% of the waste, has experienced serious train derailments in the last few years.

3... It is impossible for the proposed repository to meet its original mission, "to isolate high-level nuclear waste from the biosphere". Page S-7 states that the mean annual radiation dose will continue to rise for thousands of years after the arbitrary 10,000 year licensing period. The peak

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Website: www.nukebusters.org Email:

can@nukebusters.org

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3 cont dose could be 17 times higher than current permissible levels for future generations under the best of conditions.

4 The use of the Yucca Mountain site is in violation of the Western Shoshone Treaty of Ruby Valley (ratified in 1863). The United States has repeatedly failed to show legal title to this and other lands within this treaty boundary, in U.S. and international courts (the Organization of American States). Section 3.1.1 describes how the DOE would obtain "permanent control" of the land surrounding the repository site, but makes no mention of legal title. The Nuclear Regulatory Commission requires DOE to prove ownership of the lands it plans to use.

6 The Nevada State Engineer opposed the proposed use of water for fuel pool operation and transportation cask wash down. The state denied the water-use permit for the project. (The current permit expires in the spring, 2002.) The DOE can't use water that it doesn't have. The Supplement should not assume (Water Supply, 2.3.4.5, pages 2-19 and 3-6) that the repository water supply will be appropriated by the State of Nevada. DOE's application was denied because a repository is not in the public interest. Water will not be available unless the Nevada State Engineer is overturned on appeal. Therefore the Supplement should look at alternative water sources and evaluate the impacts of these alternatives.

7 By holding public hearings in the immediate vicinity of Yucca Mountain, DOE shirks its responsibility to transport communities which will be affected by the siting of the repository at Yucca Mountain.. All affected parties should have the right to a full presentation, and to review and comment on the DEIS.

8 Nuclear fuel blending inventory pools which would store up to 12,000 fuel assemblies are barely mentioned and there is only one limited diagram (Figure 2-5). There is no detail on the design, water source, water circulation and treatment, or safety features. One sentence in the Wastewater section (2.3.4.2) mentions the 10% increase in evaporation pools from this source.

9 There was no accident or earthquake scenario included for these pools and the fuel rods stored in (3.1.8). There is no mention of any study on ground or surface water impacts in the event of an accident or earthquake.

10 A 200 acre above ground cement pad built to store 4,500 dry storage casks of irradiated fuel for up to 50 years (page 2-8; 3-7; Figure 2-4) is mentioned in a few sentences. Based on seismic activity in the area, there are serious questions concerning whether the pad would meet NRC criteria for "Independent Spent Fuel Storage Facility Installations" as a stand-alone facility (10 CFR Part 72). There is no mention of this facility in the Accidents section (3.1.8 and S-6). There is no mention of any ground or surface water studies on how this facility could impact water in the event of storm runoff, which occurs every few years in that region.

11 Neither the Draft EIS nor the Supplement address the severe flooding that regularly occurs in the area. Although rainfall is infrequent, there is little vegetation to hold it back, once it comes. A recent study by the US Geological Survey about moderate to severe storm drainage in the area states that the already radioactive effluent from the Nevada Test Site, and potentially contaminated effluent from the Yucca Mountain area, runs directly into our Amargosa River. This impacts the California communities of Death Valley Junction, Shoshone, Tecopa, Baker, the Timbisha Shoshone Tribe. Above ground nuclear storage and handling facilities would directly impact surface water.. DOE must address flooding in its EIS considerations.

12... Store the waste as close to generation as possible. Above ground storage to cool high-level nuclear waste should take place to eliminate transportation dangers to the public and residents.

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12 cont Above-ground storage is the safest method currently available. On-site storage would relieve the pressure that fosters this poorly developed approach, and give the DOE adequate time to research a safe and environmentally just solution. This would be a realistic modification for the No-Action Alternative in the Yucca Mountain DEIS.

13 The Supplement does not take into account a number of serious discrepancies in the original DEIS document affecting socioeconomic and radiation dose calculations that have been pointed out about the region, such as huge discrepancies in population and employment figures in Nye county. Therefore, how can the socioeconomic or radiation dose calculations be accurate?

We appreciate your consideration of our comments, and the opportunity to participate in this important process.

Sincerely,

Deborah Katz
Executive Director
Citizens Awareness Network